

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

CYNTHIA JARDINE,
Plaintiff/Appellee,

v.

JOHN HACK,
Defendant/Appellant.

No. 2 CA-CV 2019-0060
Filed October 29, 2019

THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND
MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.
NOT FOR PUBLICATION
See Ariz. R. Sup. Ct. 111(c)(1); Ariz. R. Civ. App. P. 28(a)(1), (f).

Appeal from the Superior Court in Pinal County
No. S1100PO201900103
The Honorable Steven J. Fuller, Judge

AFFIRMED

Cynthia G. Jardine, Arizona City
In Propria Persona

John Hack, Arizona City
In Propria Persona

MEMORANDUM DECISION

Presiding Judge Staring authored the decision of the Court, in which
Chief Judge Vásquez and Judge Espinosa concurred.

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STARING, Presiding Judge:

¶1 John Hack appeals from the trial court's order granting an injunction against harassment in favor of Cynthia Jardine. We affirm the court's order.

¶2 In February 2019, Jardine sought an injunction against harassment against her neighbors, John and Brenda Hack. After a hearing, the trial court granted the injunction in favor of Jardine. This appeal followed. We have jurisdiction pursuant to A.R.S. §§ 12-120.21(A)(1) and 12-2101(A)(5)(b).

Discussion

¶3 We review orders granting injunctions for an abuse of discretion. *See LaFaro v. Cahill*, 203 Ariz. 482, ¶ 10 (App. 2002) (citing *Ariz. Dep't of Pub. Safety v. Superior Court*, 190 Ariz. 490, 494 (App. 1997)). "If there is substantial evidence to support the issuance of an injunction, we will not substitute our judgment for that of the trial court." *Prudential Ins. of Am. v. Pochiro*, 153 Ariz. 368, 370 (App. 1987).

¶4 In arguments that are difficult to discern, Hack asserts a "failure to prove harassment" and a "denial of due process." "[H]arassment" is defined in our statute in relevant part as 'a series of acts over any period of time.'" *Wood v. Abril*, 244 Ariz. 436, ¶ 7 (App. 2018) (quoting A.R.S. § 12-1809(S)). "At a minimum, the 'series of acts' condition requires two incidents." *LaFaro*, 203 Ariz. 482, ¶ 14. Here, Jardine's petition alleged several incidents: Hack had "commissioned and compensated" another neighbor "to surveil and photograph" Jardine's activities; Hack had falsely testified in earlier proceedings about a 9-1-1 call he made; Hack had "attack[ed] and damag[ed]" one of Jardine's home-security cameras; Hack had "falsely asserted that [Jardine] owned and misused automatic weapons"; Hack had falsely "claimed [Jardine was] under FBI surveillance"; and "Mr. and Mrs. Hack have continued their threats and demands towards [Jardine] through the courts, specifically through a complaint originally made to the Eloy Justice Court." Jardine also alleged that she had been granted two previous injunctions against harassment against Hack in 2017 and 2018.

¶5 After an evidentiary hearing on Jardine's petition, the trial court found that Hack "ha[d] engaged in conduct that would harass, alarm or annoy [Jardine]" and granted the injunction against harassment. Hack

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has failed to provide this court with a transcript of the evidentiary hearing. *See Blair v. Burgener*, 226 Ariz. 213, ¶ 9 (App. 2010) (burden on appellant to provide all documents necessary for appellate court to consider issues). In the absence of the transcript, “we presume the evidence and arguments presented at the hearing support the trial court’s ruling.” *Id.* Therefore, we cannot say the court abused its discretion in granting the injunction against Hack.¹

Disposition

¶6 We affirm the injunction against harassment.

¹Hack’s claims are also subject to waiver for failure to comply with the rules of appellate procedure. *See* Ariz. R. Civ. App. P. 13(a)(7)(A) (opening brief must contain argument with “[a]ppellant’s contentions concerning each issue presented for review, with supporting reasons for each contention, and with citations of legal authorities and appropriate references to the portions of the record on which the appellant relies”); *see also In re J.U.*, 241 Ariz. 156, ¶ 18 (App. 2016) (we generally decline to address issues not adequately argued, with appropriate citations to supporting authority). Moreover, although self-represented, Hack is “held to the same familiarity with [the] required procedures . . . as would be attributed to a qualified member of the bar,” and he “is entitled to no more consideration than if he had been represented by counsel.” *Copper State Bank v. Saggio*, 139 Ariz. 438, 441 (App. 1983).